REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-13, 15-19, 21-27 and 29-32 are pending and are finally rejected.

Claims 13, 14-18, 26 and 27 have been canceled, claims 1, 7, 8, 19 and 21 have been amended and new claims 33 and 34 have been added herein. Applicants assert that no new matter has been added by the claim amendments and by the new claims.

CLAIM REJECTIONS

35 U.S.C. § 103(a) Rejections

In the Final Office Action, the Examiner rejected claims 1-13, 15-19, 21-27 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Gazdzinski (U.S. Patent Application Publication No. 2001/0051766) in view of Chakeres (U.S. Patent No. 5,690,108) and further in view of Seibel (U.S. Patent No. 6,975,898). Application respectfully traverse the rejection.

Gazdzinski teaches an autonomous endoscopic device adapted to obtain and store or transmit data from within the intestinal tract of a living organism. (See abstract). The Examiner admits that the image in Gazdzinski is captured with minimal optical distortion (referring to paragraph [0151]) and that Gazdzinski does not teach the use of a non-linear scale.

Chakeres teaches an apparatus for assisting in the manual location, vectoring, and insertion of a medical instrument using a medical imaging device by using a reference pattern during imaging. (See abstract). Charkeres further discloses that the invention is meant to be practice in conjunction with an MRI or CT scan, or other conventional imaging device. (See col. 2, line 64 - col. 3, line 9).

Seibel discloses an image acquisition and therapeutic delivery system which uses optical illumination to provide for high resolution imaging and is capable of determining feature sizes in a region of interest in a patient's body. (See abstract).

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use the teaching of Chakeres to modify Gazdzinski such that the lens cover may include the non-linear scale to carry out size calculations. The Examiner further asserts that while Chakeres teaches obtaining distance measurements but not size measurements based on illumination intensity, Seibel discloses such measurements and it would therefore have been obvious to one ordinary skill in the art to use the teachings of Seibel to modify Gazdzinski and Chakeres such that the size of the tissue object on the image can be measured effectively relative to the illumination intensity.

Applicants have amended independent claims 1, 19 and 21 to recite that the autonomous in vivo device comprises an imager, an optical system, an illumination device, a processor and a transmitter, that the image is captured with a distortion effect, and the step of digitally overlaying a non-linear scale on the in-vivo image in accordance with the distortion effect in order to enable a viewer to estimate the size of an object within the image. Applicants have also amended dependent claims 7 and 8 to recite that the distortion effect is caused by the optical system and that the step of digitally overlaying a non-linear scale on the in-vivo image comprises compensating for said distortion effect. These amendments find support in the specification as filed, specifically at page 6, line 23 – page 9, line 17.

Applicants assert that none of Gazdzinski, Chakeres and Seibel, alone or in combination, teach or suggest that the image is captured with a distortion effect, or the step of digitally overlaying a non-linear scale on the in-vivo image in accordance with the distortion effect in order to enable a viewer to estimate the size of an object within the image, as recited in amended independent claims 1, 19 and 21. In addition, none of Gazdzinski, Chakeres and Seibel, alone or in combination, teach or suggest that the image distortion effect is caused by the optical system or that the step of digitally overlaying a non-linear scale on the in-vivo image comprises compensating for that distortion effect, as recited in amended dependent claims 7 and 8.

Applicants have also added new claims 33 and 34 to recite the additional steps of refining the size calculation of the object based on a correlation between the intensity of reflected

illumination and the distance of the object from the in vivo device and determining the distance of the object from the in vivo device based upon an inverse relationship to a reflection coefficient of the object. These new claims find support in the specification as filed, specifically at page 10, line 23 – page 12, line 20, and Figure 3.

Applicants therefore assert that amended independent claims 1, 19 and 21 are allowable, and that dependent claims 2-12, 22-25 and 29-34, which include all the limitations of amended independent claims 1, 19 and 21, respectively, are also allowable. Applicants therefore request that the Examiner withdraw the rejection.

Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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